

REMARKS

Claims 32, 33, 35, 36, 38 and 41-52 are pending.

Claim Rejections – 35 U.S.C. § 112

Claims 32, 33, 35, 36, 44-46, 48 and 49 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated on page 2 of the present office action that the recitation "and at least one of the rasp guide and the retention rod projecting entirely through the opening in the rasp body" in Claims 32 and 48 seeks to introduce new matter.

Claims 32 and 48 have each been clarified to recite "and at least one of: i) *a portion* of the rasp guide and ii) *a portion* of the retention rod projecting entirely through the opening in the rasp body." Support for this limitation can be found in at least Figs. 9A and 9B of the drawings as originally filed. Support for this limitation can also be found in at least paragraphs [0062], [0064] and [0075] of the specification as originally filed. Applicants respectfully submit that Claims 32 and 48 are now in compliance with the requirements of 35 U.S.C. § 112, first paragraph.

Claim 47 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated on page 3 of the office action that the recitation "wherein one of the retention rod and the means for removably engaging the retention rod extends through the opening in the rasp body" renders the claim vague and indefinite because the structure being recited is unclear.

Claim 47 has been clarified herein to recite "wherein one of: i) *a portion* of the retention rod and ii) *a portion* of the means for removably engaging the retention rod extends entirely through the opening in the rasp body". Support for this limitation can be found in at least Figs. 9A and 9B of the drawings as originally filed. Support for this limitation can also be found in at least paragraphs [0062], [0064] and [0075] of the specification as originally filed. Applicants respectfully submit that Claim 47 is now in compliance with the requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejections – 35 U.S.C. § 102

Claims 37, 38 and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,759,350 to Dunn et al. Claims 37, 38 and 41 were also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,722,978 to Jenkins, Jr.

Claim 37 has been cancelled herein. Therefore, the rejections of Claim 37 under 35 U.S.C. § 102(b) are rendered moot.

Claims 38 and 41 have been amended to depend upon allowable Claim 42, which is discussed in detail below. Claims 38 and 41 are patentable for at least the same reasons advanced with respect to Claim 42.

Allowable Subject Matter

Claims 42 and 43 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim. Additionally, Claim 50 is allowed.

Applicants gratefully acknowledge the allowability of Claims 42, 43 and 50. Claims 42 and 43 have been rewritten in independent form, and include all of the limitations of Claim 37, upon which Claims 42 and 43 formerly depended. Applicants submit that Claims 42 and 43 are now in condition for allowance.

In addition, Claims 32, 33, 35, 36, 44-46, 48 and 49 were only rejected under 35 U.S.C. § 112. Because the rejections under 35 U.S.C. § 112 have been overcome, as discussed above, Applicants respectfully submit that Claims 32, 33, 35, 36, 44-46, 48 and 49 are also now in condition for allowance.

New Claims

Claims 51 and 52 are added herein. Claim 51 and 52 are directed to the same subject matter as dependent Claims 38 and 39, respectively, but Claims 51 and 52 depend upon allowable Claim 43. Applicants submit that Claims 51 and 52 are patentable for at least the same reasons advanced with respect to Claim 43.

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Amendment dated April 5, 2010
Reply to Office Action of January 4, 2010

Conclusion

It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicants respectfully submit that the application is in condition for allowance and respectfully request allowance thereof.

In the event Applicants have overlooked the need for an extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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Name of Registered Representative


Signature

April 5, 2010

Date